



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
-----------------	-------------	----------------------	---------------------	------------------

10/715,792

11/17/2003

Jay Novak

LA-7252-106.US/10311473

4550

58688

7590

01/19/2007

CONNOLLY BOVE LODGE & HUTZ LLP

P.O. BOX 2207

WILMINGTON, DE 19899

EXAMINER

AYRES, TIMOTHY MICHAEL

ART UNIT

PAPER NUMBER

3637

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
--	-----------	---------------

3 MONTHS

01/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 10/715,792	Applicant(s) NOVAK, JAY	
	Examiner Timothy M. Ayres	Art Unit 3637	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 07 December 2006.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 7,8,10-12,14-26 and 28-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 22-26 and 28-32 is/are allowed.
- 6) ☒ Claim(s) 7,8,10-12 and 14-21 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

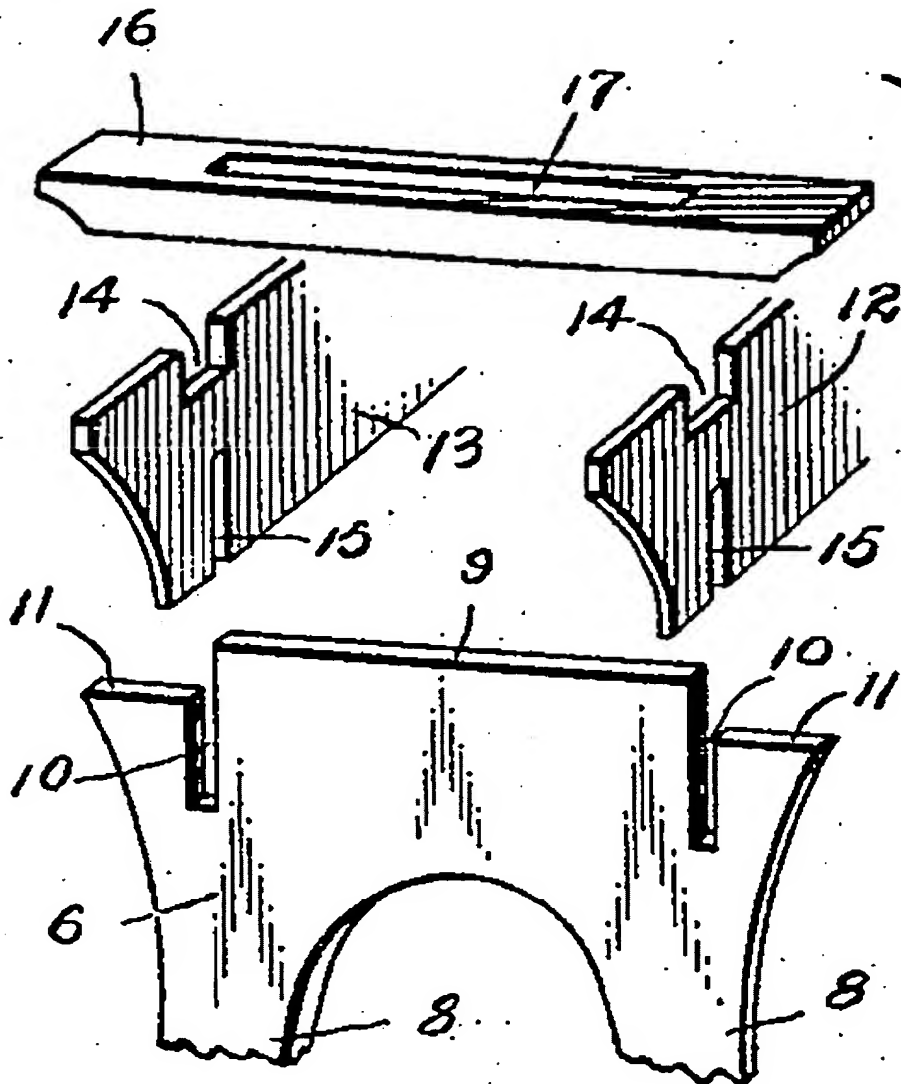
Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. Claims 7, 8, 11, 12, 15-17, and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 1,645,336 to McGlothorn in view of US Patent 3,300,245 to Rumble. McGlothorn '336 discloses a table with a top (5) that is supported by support members/legs (6,7). Each support member has a unitary body portion (8) with a first tenon portion (9) on top and two outwardly extending second tenon portions (11). The body portion being the only structure supporting the second tenon portions (11). The second tenon portion (11) have distal ends that are not directly supported in the longitudinal direction as seen in figure 4 below. The first tenon portion fits in a mortise (17) on a locking member (16), which supports the table. The tenon portions and the body portions are similar proportioned in that they are made from the same piece of lumber with the same width. The second tenon portions (11) extends outwardly from the body portion (8) by a distance that is greater than the width of the body portion as given by the slot (15) which the width of body portion fits into.



McGlothern ' 336 Figure 4

2. McGlothern does not expressly disclose the support member made from a plurality of plies (plywood) and the first tenon portion extending into a mortise on and through the tabletop. Rumble '245 discloses a picnic table made from plywood. The support members have a tenon (14) that corresponds to mortise (9) that extends

Art Unit: 3637

through table (1). The tenon (14) has plies that are orthogonal to the plies of the table (1). At the time of the invention it would have been obvious for a person of ordinary skill to take the table of McGlothern and make the mortise extend through the table like Rumble's table so that the support member is more secure and be made of plywood since it is well known to substitute plywood for solid stock lumber for economic reasons.

3. Claims 10, 14, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over US Patent 1,645,336 to McGlothern in view of US Patent 3,300,245 to Rumble as applied to claims 7, 8, 11, 12, 15-17, and 9-21 above, and further in view of U.S. Patent 2,404,182 to Kump. McGlothern in view of Rumble discloses every element as claimed and discussed above except a foot protector about a foot portion of the support member. Kump teaches a foot protector (45) disposed about a foot portion of a support member (25, 26, 27, A', B'), the foot portion being on an opposite side of the body portion (25, 26) from the tenon portion (27) as best seen in figure 1. At the time of the invention it would have been obvious for a person of ordinary skill in the art to modify the support member of McGlothern in view of Rumble by adding the foot protector as taught by Kump to facilitate sliding over the floor or on a rug (Kump '182, Col. 4, lines 46-59).

Allowable Subject Matter

4. Claims 22-26 and 28-32 are allowed.

Response to Arguments

5. Applicant's arguments filed 12/07/06 have been fully considered but they are not persuasive. McGlothern teaches the second tenon portions (11) that have no direct support underneath while the first tenon portion (9) is supported by the body portion (8). The u-shaped portion with the legs is considered the body portion and is a single pillar. The applicants arguments appear to have been directed to the first tenon portion which is supported on two ends, but it is the second tenon portions (11) that has a distal end that is unsupported.

Conclusion

6. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

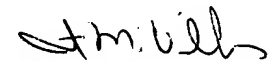
Art Unit: 3637

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Timothy M. Ayres whose telephone number is (571) 272-8299. The examiner can normally be reached on MON-THU 8:00 - 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on (571) 272-6867. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

TMA
1/10/07



JANET M. WILKENS
PRIMARY EXAMINER
A-4v73137